REMARKS

Claims 1-10 have been canceled. Claims 11-25 have been added. Reexamination and reconsideration are respectfully requested.

In the Office Action, claims 1-8 were rejected as being anticipated by Hayashi et al. (US 6,112,521). Claims 9 and 10 were indicated to be allowable by the Examiner. By way of this Amendment, Applicants have canceled original claims 1-10 and have added new claims 11-25, which are respectfully submitted to be patentable over Hayashi. No new matter has been added.

In particular, Applicants have added new independent claims 11-13. Dependent claims 14-17, 18-21, and 22-25 correspond to original claims 7-10 but depend from new independent claims 11-13, respectively.

Independent claim 11 recites a hydraulically driven vehicle comprising, *inter alia,* a pilot valve configured to provide a pilot pressure oil in accordance with an extent to which the operating member is operated, a control valve configured to be driven by the pilot pressure oil from the pilot valve to control a flow of pressure oil from the hydraulic pump to the hydraulic motor, and a counterbalance valve, disposed between the control valve and the hydraulic motor, and configured to be switched to an opening position by the pressure oil supplied from the hydraulic pump so as to open a return path for oil to return from the hydraulic motor to the control valve, and to be switched to a closing position so as to close the return path as the pressure oil from the hydraulic pump is stopped. Moreover, a control device is provided to stop the supply of the

pressure oil from the hydraulic pump to the hydraulic motor by interrupting the flow of the pilot pressure oil to the control valve in response to a command issued from a neutral command device, regardless of operation of the operating member. In particular, when the command is not issued from the neutral command device, the control device (a) stops supply of the pressure oil from the hydraulic pump to the hydraulic motor by interrupting the flow of the pilot pressure oil to the control valve if the physical quantity detected by the rotation speed detection device exceeds a reference value and the reverse operation at the operating member is detected by the reverse operation detection device, and (b) allows the pilot pressure oil to flow to the control valve, even if the reverse operation at the operating member is detected, if the physical quantity detected by the rotation speed detection device is equal to or smaller the reference value. Support for new independent claim 11 is provided, for example, at page 16, line 14-page 20, line 22 and Figures 2-4.

Independent claim 12 likewise recites a hydraulically driven vehicle including a pilot valve, control valve and counterbalance valve, as well as a control device that stops the supply of the pressure oil in response to a neutral command issued from a forward/backward operating member. The control device operates similarly to claim 11 by stopping the supply of the pressure oil from the hydraulic pump to the hydraulic motor by interrupting the flow of the pilot pressure oil to the control valve if the physical quantity detected by the rotation speed detection device exceeds a reference value and the reverse

operation at the forward/backward operating member is detected by the reverse operation detection device. Support is provided for new independent claim 12, for example, at page 24, line 23-page 29, line 5 and Figures 6-8.

Finally, independent claim 13 recites a hydraulically driven vehicle including the pilot valve, control valve and counterbalance valve, as well as a control device. Here, the control device controls a first directional control valve such that the first directional control valve stops the flow of the pressure oil from the hydraulic pump to the hydraulic motor when the physical quantity detected by the rotation speed detection device exceeds a reference value and the reverse operation at the operating member is detected by the reverse operation detection device. Support is provided for new independent claim 13, for example, at page 21, line 7-page 24, line 3 and Figure 5.

In accordance with Applicant's inventions recited in new independent claims 11-13, if a physical quantity having a correlation to a rotation speed of the hydraulic motor exceeds the reference value and the reverse operation at the operating member is detected, then generation of a pilot pressure in response to the reverse operation is prohibited. Accordingly, as the control valve is switched to the neutral position, an increase in the motor displacement is prevented and, thus, the occurrence of cavitation can be prevented.

In contrast, Hayashi does not disclose, nor teach, the characteristic features of the present invention. In particular, Hayashi does not at all disclose

or teach a counterbalance valve and a control device as recited in claims 11-13. Thus, Hayashi cannot possibly achieve the advantages of Applicants' invention.

In view of the foregoing, Applicants respectfully submit independent claims 11-13 are patentable over Hayashi, as well as the other art of record. Further, claims 14-25 depend from claims 11-13, respectively, and are also submitted to be patentable. In particular, Applicants note that claims 16-17, 20-21 and 24-25 correspond to previously allowed original claims 9 and 10. An early notice to that effect is solicited.

If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 101790.56471US).

Respectfully submitted,

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